

EXHIBIT A

Chapter 15.05 CONSTRUCTION ADMINISTRATIVE CODE

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15.05.010 Short Title

This chapter shall be known as the *Construction Administrative Code* of the city of Burien, hereinafter referred to as “this code.”

15.05.015 Scope.

The provisions of this code shall apply to the administration of the following construction codes,

- (1) International Building Code – Chapter 51-50 WAC;
- (2) International Residential Code – Chapter 51-51 WAC;
- (3) International Mechanical Code – Chapter 51-52 WAC;
- (4) National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
- (5) Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
- (6) International Fuel Gas Code – Chapter 51-52 WAC;
- (7) Uniform Plumbing Code – Chapter 51 –56 and 51-57 WAC;
- (8) Washington State Energy Code – Chapter 51-11 WAC
- (9) International Existing Building Code – Chapter 51-50-4800000 except that Chapter 1 part 1 is retained.
- (10) Burien Electrical Code

15.05.020 Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third International Dictionary of the English Language, Unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the city.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or exiting requirements.

“BPMC” means the Burien Building and Property Maintenance Code as adopted by the city of Burien.

“Building official” means the officer or other authority designated by the city manager, or a duly authorized representative, charged with the administration and enforcement of the adopted administrative and construction codes.

“Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

“Complete response” means a written submittal responding to all requests from city staff in sufficient detail to allow the application to proceed or be processed

“Energy code” means the latest edition of the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the city.

“IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the city.

“IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by the city.

“IPMC” means the Burien Building and Property Maintenance code as adopted by the city of Burien.

“IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the city.

“IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by the city.

“NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Public Service Agency” means those agencies providing non competitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

“Shall” as used in this chapter, is mandatory.

“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the city.

“Valuation” or “value” as applied to a building, structure, or building service equipment, shall mean the estimated cost to construct or replace the structure, building and its building service equipment in kind based on current construction or replacement costs. Current construction or replacement include fees for all architectural, engineering and construction management services, and includes all structural, electrical, plumbing, mechanical equipment and labor, including all contractors’ profits and all on-site preparation costs. The building official is authorized to utilize two (2) methodologies to determine valuation. The greater of the two methods (the square footage method vs. the total valuation method) shall be used to determine the construction valuation for the purpose of computing permit fees.

The valuation for a permit renewal or reinstatement shall be based upon the value of all work not completed prior to the permit expiration date, with a minimum valuation of \$4,000 for each required remaining inspection.

15.05.025 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

15.05.030 Intent.

The purpose of this code and the construction codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

15.05.035 Referenced codes.

The codes listed in Sections 15.05.040 through 15.05.85 BMC and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

15.05.040 International Building Code - Scope.

The provisions of the *International Building Code* (IBC) shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

15.05.045 International Residential Code - Scope.

The provisions of the *International Residential Code for One- and Two-Family Dwellings* (IRC) shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures.

Exception: Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International*

Building Code when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section 903.3.1.3 of the *International Building Code*

15.05.050 International Mechanical Code - Scope.

The provisions of the *International Mechanical Code* (IMC) shall apply to the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed herein.

Exceptions:

1. The International Fuel Gas Code (IFGC) shall apply to all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG
2. International Residential Code shall apply to all structures regulated by the IRC except LPG installations.
3. NFPA 54 (National Fuel Gas Code) and NFPA 58 (Liquid Petroleum Gas Code) shall apply to all LPG installations for liquefied petroleum gas (LPG) installations.

15.050.055 Liquid Propane Gas Codes - Scope.

The provisions of the *National Fuel Gas Code and Liquid Petroleum Gas Code (NFPA 54 and 58)* shall apply to the installation of all materials and equipment utilizing liquid propane gas.

15.05.060 International Fuel Gas Code – Scope.

The provisions of the *International Fuel Gas Code* (IFGC) shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code.

15.05.065 International Fire Code – Scope.

The provisions of the International Fire Code (IFC) shall apply to matters affecting or relating to the protection of structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

15.05.070 Uniform Plumbing Code - Scope.

The provisions of the *Uniform Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings

and appurtenances, where connected to a water or sewage system and all aspects of a medical gas system.

15.05.075 Burien Building and Property Maintenance Code - Scope.

The provisions of the Burien Building and Property Maintenance Code shall apply to existing structure and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

15.05.080 Washington State Energy Code – Scope.

The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

15.05.085 Burien Electrical Code - Scope.

The provisions of the Burien Electrical Code apply to the installation of electric conductors, electric equipment and additions, alterations, modifications, or repairs to existing electrical installations for the following:

- (1) Electric conductors, electric equipment, and electrical raceways installed within or on public and private buildings, property or other structures.
- (2) Signaling and communications conductors and equipment, telecommunications conductors and equipment, fiber optic cables, and raceways installed within or on public and private buildings, property or other structures.
- (3) Yards, lots, parking lots, and industrial substations.
- (4) Temporary electrical installations for use during the construction of buildings.
- (5) Temporary electrical installations for carnivals, conventions, festivals, fairs, traveling shows, the holding of religious services, temporary lighting of streets, or other approved uses.
- (6) Installations of conductors and equipment that connect to a supply of electricity.
- (7) All other outside electrical conductors on the premises.
- (8) Optional standby systems derived from portable generators.

Exception: Installations under the exclusive control of electric utilities for the purpose of communication, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

It is the intent of this section that the Burien Electrical Code covers all premises' wiring or wiring other than utility owned metering equipment, on the load side of the service point of buildings, structures, or any other premises not owned or leased by the utility. Also, it is the

intent that the Burien Electrical Code covers installations in buildings used by the utility for purposes other than listed in above, such as offices buildings, warehouses, garages, machine shops, and recreational buildings which are not an integral part of a generating plant, substation, or control center.

15.05.090 Applicability.

(1) **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes as specified in RCW 19.27.031 shall govern.

(2) **New Installations.** This code applies to new installations.

Exception: If an electrical, plumbing or mechanical permit application is received after this code has taken effect, but is identified with a building permit application received prior to the effective date of the ordinance codified in this chapter, all applicable codes adopted and in force at the time of a complete building permit application will apply.

(3) **Existing installations.** Lawfully installed existing installations that do not comply with the provisions of this chapter shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(4) **Maintenance.** Building and structures, including their electrical, plumbing and mechanical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this chapter shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the systems and equipment. To determine compliance with this provision, the building official shall have the authority to require that the systems and equipment be re-inspected.

(5) **Additions, alterations, modifications or repairs.** Additions, alterations, modifications or repairs to a building or structure or to the electrical, plumbing or mechanical system(s) of any building, structure, or premises shall conform to the requirements of this code, without requiring those portions of the existing building or system not being altered or modified to comply with all the requirements of this code. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative.

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved the building official.

Exceptions:

1. Additions constructed under the International Residential Code with less than 500 square feet of conditioned floor area are exempt from the requirements for Whole House Ventilation Systems, Section M1508.
2. Additions or alterations to existing buildings constructed under the International Residential Code, which do not require the construction of foundations, crawlspaces, slabs or basements, shall not be required to meet the requirements for radon protection in Section R327.1 and Appendix F.

15.05.095 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.05.100 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

15.05.105 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

15.05.110 Partial invalidity.

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

15.05.115 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Burien Building and Property Maintenance Code, the International Fire Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public. Alterations to existing structures shall be permitted to be performed in accordance with WAC 51-50-48000 (International Existing Building Code).

15.05.120 Maintenance.

Structures and installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards shall be maintained in compliance with the code edition under which they were constructed or installed. The owner or the owner's designated agent shall be responsible for maintenance of structures and installations. To determine compliance with this provision, the building official shall have the authority to require an installation to be re-inspected.

15.05.125 Added electrical wiring.

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

15.05.130 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing or proposed structure or installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

15.05.135 Moved buildings.

(1) Buildings or structures moved into or within the city shall comply with the provisions of the International Residential Code (WAC 51-51), the International Building Code (WAC 51-50), the International Mechanical Code (WAC 51-52), the International Fire Code (WAC 5154), the Uniform Plumbing Code and Standards (WAC 51-56 and 51-57), the Washington State Energy Code (WAC 51-11), and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13) for new buildings or structures.

Exceptions: Group R-3 buildings or structures are not required to comply with this section if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated. For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition, or renovation of foundations.

(2) Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

(3) Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction.

- (4) See BMC 12.17.095 (Building Moving) for additional permit requirements.

15.05.140 Moved buildings - electrical requirements.

- (1) Nonresidential buildings or structures moved into or within the jurisdiction must be inspected to ensure compliance with current requirements of this chapter.
- (2) Residential buildings or structures wired in the U.S. to NEC requirements and moved into the jurisdiction must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of Chapter 19.28 RCW and the rules developed by the building department if:
 - (a) The original occupancy classification of the building or structure is changed as a result of the move; or
 - (b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.
- (3) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into the jurisdiction must be inspected to ensure compliance with the following minimum safety requirements:
 - (a) Service, service grounding, and service bonding must comply with the Burien Electrical Code.
 - (b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:
 - (i.) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964, utilizing an equipment grounding conductor smaller than the phase conductors, must be:
 - A. Replaced with a cable utilizing a full-size equipment grounding conductor; or
 - B. Protected by a ground fault circuit interrupter protection device.
 - (ii.) CSA listed Type NMD cable, #8 AWG and larger, must:
 - A. Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;
 - B. Be protected by a ground fault circuit interrupter protection device; or
 - C. Be replaced.
 - (c) Other types of wiring and cable must be:
 - (i.) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or
 - (ii.) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

- (d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997, must be listed and identified by laboratory labels approved by the department or CSA labels.
- (e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:
 - (i.) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."
 - (ii.) CSA listed panelboards must be limited to a maximum of 42 circuits.
 - (iii.) CSA listed panelboards used as lighting and appliance panelboards, as described in the NEC, must meet all current requirements of the NEC and this chapter.
- (f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of Chapter 19.28 RCW and this chapter.
- (g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.
- (h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.
- (i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.
- (j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.
- (k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.
- (l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.
- (m) Electric water heater branch circuits must be adequate for the load.
- (n) The location, type, and circuit protection of feeders must meet the Washington State requirements in effect at the time the wiring was installed.

15.05.145 Structures in areas of special flood hazard.

Buildings located in Areas of Special Flood Hazard shall be regulated under the International Building Code, the International Residential Code and the Burien Municipal Code.

15.05.150 Building department – Established.

There is established for the city the "building department" which shall be under the supervision and control of the city manager or his/her authorized representative.

15.05.155 Building official designated.

The building official shall be appointed by the city manager.

15.05.160 Deputies.

In accordance with the prescribed procedures of the city of Burien and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

15.05.165 Duties and power of the building official.

The building official is hereby authorized and directed to enforce the provisions of this code and Title 15 BMC. The building official shall have the authority to render interpretations of this code and Title 15 BMC and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and Title 15 BMC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and Title 15 BMC.

15.05.170 Applications and permits.

The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code and the construction codes.

15.05.175 Notices and orders.

- (1) The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code.
- (2) Following a city of Burien issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1, or ATC 45 manuals. The procedure shall allow for the tagging of buildings as "Inspected", "Limited Entry" or "Unsafe", along with a associated penalties per BMC 15.05.405 and BMC 15.05.410 of this code for removal of building tags. Notice of orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency.

15.05.180 Inspections.

The building official shall make all of the required inspections and shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, at the applicant's expense.

15.05.185 Identification.

Building department personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

15.05.190 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

15.05.195 Department records.

The city shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

15.05.200 Liability.

This title shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in this title; nor shall the city or any agent thereof be held as assuming such liability by reason of inspection authorized herein or a certificate of inspection issued by the city or any of its agencies.

The building official or employee charged with the enforcement of this code and Title 15 BMC, while acting for the city of Burien in good faith and without malice in the discharge of the duties required by this code and Title 15 BMC or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the

provisions of this code and Title 15 BMC shall be defended by legal representative of the city of Burien until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and Title 15 BMC.

15.05.205 Approved materials and equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

15.05.210 Used materials and equipment.

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

15.05.215 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

15.05.220 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved the building official as provided herein. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and or method of construction and equipment under the provisions of this section.

15.05.225 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

15.05.230 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city of Burien. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the city for the period required for retention of public records.

15.05.235 Permits required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the city and obtain the required permit. A separate permit is required for each building or structure.

Exceptions:

1. When deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.
2. A single demolition permit may be issued for the demolition of multiple structures on a single tax parcel.

15.05.240 Electrical permit required.

In accordance with Chapter 19.28 RCW, an electrical permit is required for the following installations:

- (1) The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.
- (2) The installation and/or alteration of low voltage systems defined as:
 - (a) NEC, Class 1 power limited circuits at thirty volts maximum.
 - (b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).
 - (c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).
- (3) Telecommunications Systems.
 - (a) Installation of telecommunications systems on the customer side of the network

demarcation point for projects greater than ten telecommunications outlets.

- (b) All backbone installations, regardless of size, and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations.
- (c) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.
- (d) Backbone installations in multifamily residential dwellings which require penetration of fire barriers or installation of more than ten outlets in common areas.
- (e) Definitions of telecommunications technical terms shall be as set forth in Chapter 19.28 RCW, EIA/TIA standards, and the Burien Electrical Code.

15.05.245 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city of Burien. Permits shall not be required for the following except when located in a special flood hazard area or other areas within the city requiring critical area review by the zoning code:

(1) Building:

- (a) One-story detached accessory structures which are accessory to residential buildings and constructed under the provisions of the IRC used as tool and storage sheds, tree supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) and the structure is located in accordance with all land use regulations.
- (b) Fences 6 feet (1829 mm) or less in height
- (c) Oil derricks.
- (d) Retaining walls which are 4 feet (1219 mm) or less in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (e) Water tanks not utilized for fire protection water supplies which are supported directly on grade, if the capacity is 5,000 gallons (18 925 L) or less and the ratio of height to diameter or width does not exceed 2 to 1.
- (f) Sidewalks and driveways that are not part of an accessible route.
- (g) Decks, associated platforms and steps accessory to buildings, which are 30 inches (762 mm) or less above adjacent grade and which are not over any basement or story below and which are not part of an accessible route.
- (h) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work, provided that existing accessible features are not altered.

- (i) Replacement of nonstructural siding on IRC structures, except for veneer, stucco or "Exterior Finish and Insulation Systems" (EFIS).
 - (j) In-kind re-roofing of one- and two-family dwellings provided the roof sheathing is not removed or replaced.
 - (k) Window replacement for IRC structures in Airport Noise Reduction Area 3, where no alteration of structural members is required, the window U-Values meet the prescriptive requirements of the Washington State Energy Code, the window glazing is not required to be safety glass, and minimum dimensions and placement of any required egress window is not reduced.
 - (l) Temporary motion picture, television, and theater stage sets and scenery.
 - (m) Prefabricated swimming pools accessory to a One- and Two-Family Dwelling or Group R-3 occupancy, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
 - (n) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.
 - (o) Swings, slides and other similar playground equipment.
 - (p) Window awnings that are supported by an exterior wall of One- and Two-Family Dwellings, Group R-3 occupancies, or Group U occupancies and that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 - (q) Non-fixed and movable cases, counters and partitions 5 feet 9 inches (1753 mm) or less in height.
 - (r) Satellite earth station antennas 6-1/2 feet (2 m) or less in diameter or diagonal dimensions in zones other than residential zones.
 - (s) Satellite earth station antennas 3-1/4 feet (1m) or less in diameter in residential zones.
 - (t) Video programming service antennas 3-1/4 feet (1 m) or less in diameter or diagonal dimension, regardless of zone.
 - (u) Job shacks that are placed at the job site during a construction project, for which a permit has been issued or applied, may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure, for which the primary purpose is to house equipment and supplies and which may serve as a temporary office during construction for the purposes of the construction project.
 - (v) Electrical transmission towers and telephone poles, hydraulic flood control structures, and other structures under the control of a public utility or public agency, which are located in a public right of way or public easement.
- (2) Electrical:
- (a) Portable motors or other portable appliances which are energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle, when that cord or cable is permitted by the National Electrical Code.

- (b) Repair or replacement of fixed motors, transformers, or fixed approved appliances or devices rated fifty amps or less and which are like-in-kind and in the same location.
 - (c) Temporary decorative lighting; when used for a period not to exceed ninety days and removed at the conclusion of the ninety-day period.
 - (d) Repair or replacement of current-carrying parts of any switch, conductor or control device, which are like-in-kind and in the same location.
 - (e) Repair or replacement of attachment plug(s) and associated receptacle(s) rated fifty amperes or less, which are like-in-kind in the same location.
 - (f) Repair or replacement of any over current device, which is like-in-kind and in the same location.
 - (g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
 - (h) Removal of electrical wiring.
 - (i) Telecommunication outlet installations within individual dwelling units.
 - (j) Listed wireless security systems for which power is supplied by a listed Class 2 plug-in transformer and which are installed within dwelling units
 - (k) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence, by a public or private utility in the exercise of its function as a serving utility.
 - (l) Portable generators serving only cord and plug connected loads supplied through receptacles on the generator.
 - (m) Travel trailers.
 - (n) Like-in-kind replacement of a: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing, when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops that comply with WAC 296-46B-300(2) and are used to control gate access devices.
- (3) Gas:
- (a) Portable heating, cooking or clothes drying appliances.
 - (b) Replacement of any minor part that does not alter its approval or make it unsafe.
- (4) Mechanical:
- (a) Portable heating, cooking or clothes drying appliances.
 - (b) Portable ventilation equipment.
 - (c) Portable cooling units.

- (d) Steam, hot or chilled water piping that is within any heating or cooling equipment regulated by this code.
 - (e) Replacement of any part which does not alter its approval or make it unsafe.
 - (f) Portable evaporative coolers.
 - (g) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
 - (h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.
- (5) Plumbing:
- (a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipes, provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 - (b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.
 - (c) Reinstallation or replacement of approved pre-fabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.
- (6) Grading:
- (a) Grading in an isolated, self-contained area, provided that there is no danger to the public and such grading will not adversely affect adjoining properties, as determined by the building official.
 - (b) Excavation for construction of a structure permitted under this code.
 - (c) Cemetery graves.
 - (d) Refuse disposal sites controlled by other regulations.
 - (e) Excavations for wells and trenches for utilities.
 - (f) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
 - (g) Exploratory excavations performed under the direction of a registered design professional.
 - (h) An excavation below existing finished grade for basements and footings of an existing building, retaining wall or other structure, for which the structure is authorized by a valid building permit.
 - (i) An excavation of less than 50 cubic yards of material, which is less than 2 feet in depth and which does not create a cut slope of a ratio steeper than two horizontal to one vertical.

- (j) A fill of less than 50 cubic yards of material, which is less than 1 foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical.

15.05.250 Emergency repairs.

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted to the city within the next working business day.

15.05.255 Ordinary repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of, any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

15.05.260 Public service agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering, or other related equipment, which is under the ownership and control of public service agencies..

15.05.265 Application for permit.

To obtain a permit the applicant shall first file a complete permit application in writing on a form furnished by the building department for that purpose. Such application shall include:

- (1) A description of the work to be covered by the permit for which application is made.
- (2) The legal description or tax parcel number, and the street address if available, which will readily identify and definitely locate the proposed building or work.
- (3) The property owner's name, address, and phone number.
- (4) The prime contractor's business name, address, phone number, and current state contractor registration number.
- (5) For building projects valued at over five thousand dollars, either:
 - (a) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
 - (b) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for

an amount not less than fifty percent of the total amount of the construction project.

- (6) The use or occupancy for which the proposed work is intended.
- (7) Plans, diagrams, computations and specifications and other information as required in BMC 15.05.315, 15.05.320 and 15.05.350.
- (8) Valuation of the proposed work.
- (9) Signature of the applicant or the applicant's authorized agent.
- (10) Such other data and information as required by the city.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document, which is issued to the owner, and on the inspection record card, which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state, and the application shall be processed and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide such information as soon as the applicant can reasonably obtain such information.

15.05.270 Areas of flood hazard.

Areas prone to flooding and designated in Areas of Flood Hazard shall provide application information per Burien Municipal Code Chapter 15.55

15.05.275 Action on permit application.

City staff shall examine or cause to be examined applications for permits and amendments thereto, prior to acceptance of the building, plumbing, mechanical, electrical, fire prevention or related permit application. If the application is incomplete or the construction documents or other submittal information lacks sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the reasons therefore. If city staff is satisfied that the application and construction documents are complete and provide sufficient information to proceed with review, the building official shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this section or any other provision of this code, no building permit shall be issued, until all other project permits related to the project action for which the building permit is sought have been approved and issued and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, building site plans, variances, shoreline permits, and frontage improvement requirements.

- (2) Revisions to the submittal documents, not requested by the city, may be accepted by the city; however the revisions may result in additional fees being assessed. Substantial

revisions may require a new permit application to be submitted, as determined by the building official.

15.05.280 Time limitation on permit application.

(1) Permit applications that are received on or after July 1, 2010 for which no permit is issued within 18 months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law.

(2) Permit applications that were received on or before June 30, 2010 for which no permit has been issued shall be permitted to remain active until December 31, 2011. If at that time the permit is not issued, the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law. Where the original permit application was received prior to July 1, 2007, the building official is authorized to require plans and other supporting information to be updated to current codes in order for the permit application to remain active in accordance with this section.

(3) Existing and new applications for which no permit has been issued may be canceled for inactivity, if an applicant fails to respond to the building official's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days, if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information requested by the building official.

(4) The building official may extend the life of an application for an additional 180 days beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

- (a) Compliance with the State Environmental Policy Act is in progress;
- (b) Any other city review is in progress, provided the applicant has submitted a complete response to city requests for information or corrections;
- (c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final city decision; or
- (d) Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

(5) The building official may place a permit application on hold for up to one year, if requested to do so in writing by a permit applicant.

(6) Any balance owing for plan review or other review fees shall be paid prior to any approval for extension of the permit application.

15.05.285 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or the construction codes or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this code or the construction codes or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure when in violation of this code or of any other ordinances of the city. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the State of Washington.

15.05.290 Permit Expiration.

- (1) Every issued permit shall expire 2-years from the date of issuance. The building official may approve a request for an extended expiration date, when construction work is performed in phases extending beyond the 2-year period due to the unique size and scope of project work and a construction schedule is provided by the applicant and approved prior to permit issuance.
- (2) Permits issued for applications submitted prior to July 1, 2010 shall be valid for 2 years from the date of adoption of this code, unless a written request for extension is approved by the building official prior to permit expiration or the permit is renewed in accordance with BMC 15.05.295. Where new codes have been adopted or required to be enforced per RCW 19.27 since the time of permit issuance, the building official is authorized to require construction documents to be updated to current codes and submitted as a permit revision for review and approval by city staff.
- (3) Mechanical, plumbing, electrical and other ancillary permits shall expire at the same time as the associated building permit, except that if no associated building permit is issued, the mechanical, plumbing, electrical, and/or other ancillary permit shall expire 2 years from the date of issuance.

15.05.295 Permit Extensions and Renewals

Permits may be extended, renewed or re-established by the building official in compliance with the terms and conditions of this section.

- (1) **Permit Extensions.** A permit expiration date may be extended in accordance with the following:
 - (a) The written request for extension is received prior to the date of permit expiration.
 - (b) Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee, when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of subsection (2) of this section.
- (2) **Permit Renewals.** A permit may be renewed for a period of no more than 1 year from the date of original expiration in accordance with the following:

- (a) A written request for renewal shall be received prior to the date of permit expiration.
 - (b) A permit may be renewed one time subject to approval by the building official, as long as no unauthorized changes have been made to the originally approved plans and the applicant continues to make regular requests for inspections.
 - (c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.
- (3) **Expired permit re-establishment.** A permit that has expired may be re-established one time in accordance with the following:
- (a) A written request for re-establishment is received by the building official within 6 months after the date of permit expiration.
 - (b) No unauthorized changes have been made to the originally approved plans, and the applicant agrees to make regular requests for inspections.
 - (c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.
 - (d) The re-established permit shall expire 1 year from the date of reestablishment and may not be further renewed or extended.

15.05.300 Permit suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code, whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or when the permit is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the State of Washington.

15.05.305 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project.

15.05.310 Floor and roof design loads.

- (1) **Live Loads Posted.** Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40kN/m²), such design live load shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.
- (2) **Issuance of certificate of occupancy.** A certificate of occupancy required by BMC 15.05.390 shall not be issued until the floor load signs required by this section have been installed.
- (3) **Restrictions on loading.** It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building structure or portion thereof, a load greater than is permitted by this code.

15.05.315 Submittal documents.

Submittal documents, consisting of construction documents, statement of special inspection, geotechnical reports, and other data, shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional when required by the State of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

15.05.320 Construction documents.

(1) Building.

- (a) Information on construction documents.** Construction documents shall be dimensioned and drawn upon material acceptable to the building official. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and shall show in detail that the work will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The plans must include the relevant items listed in this section and any other information or documents as deemed necessary by the building official.
- (b) Braced wall lines.** All braced wall lines shall be identified on the construction documents, and all pertinent information, including, but not limited to, bracing methods, location and length of braced wall panels, and foundation requirements of braced wall panels at top and bottom, shall be provided.
- (c) Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the State of Washington.
- (d) Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In occupancies within the scope of the International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.

- (e) **Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings. The construction documents shall include manufacturer's installation instructions, which provides supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, and where applicable, the test procedure used. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the submittal requirements listed in RCW 64.55.020.

Exception: Subject to the approval of the building official, R-3, One- and Two-Family Dwellings, and their accessory structures may be exempted from the detailing requirements of this subsection.

- (f) **Site plan.** The construction documents submitted with the permit application shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan, when the application for permit is for alteration or repair or when otherwise warranted.
- (g) **Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC and BMC 15.55.

(2) **Electrical.**

- (a) **Electrical plans.** Electrical plans for the following installations shall be prepared by, or under the direction of, an electrical engineer registered under Chapter 18.43 RCW and Chapters 180-29, 246B-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature:
- (i.) All educational facilities, hospitals, and nursing homes;
 - (ii.) All services or feeders rated 1,600 amperes or larger;
 - (iii.) All installations identified in the National Electrical Code as requiring engineering supervision; and
 - (iv.) As required by the building official for installations which by their nature are complex, hazardous, or pose unique design problems.
- (b) **Construction documents.** Construction documents shall identify the name and classification of the facility and clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules, and, when a

service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment.

- (c) **Penetrations.** Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating, and fireblocking.
- (d) **Load calculations.** Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.
- (e) **Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is permitted to waive or modify the requirement for a site plan, where the application for permit is for alteration or repair or where otherwise warranted.
- (f) **Plan review required.** Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations including but not limited to:
 - (i) Educational, institutional, or health care facilities/buildings as follows:
 - A. Hospitals.
 - B. Nursing home units or long-term care units.
 - C. Boarding homes.
 - D. Assisted living facilities.
 - E. Private alcoholism hospitals.
 - F. Alcoholism treatment facilities.
 - G. Private psychiatric hospitals.
 - H. Maternity homes.
 - I. Ambulatory surgery facilities
 - J. Renal hemodialysis clinics.
 - K. Residential treatment facilities for psychiatrically impaired children and youth.
 - L. Adult residential rehabilitation centers.
 - M. Educational facilities.
 - N. Institutional facilities.

Exceptions: Electrical Plan review is not required for the following types of installations in the above educational, institutional, or health care facilities buildings:

1. Lighting specific projects that result in an electrical load reduction on each feeder involved in the project.
 2. Low voltage systems.
 3. Modification to existing electrical installations when all of the following conditions are met:
 - 3.1. Service or distribution equipment involved is rated 100 amperes or greater and does not exceed 250 volts;
 - 3.2. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);
 - 3.3. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and
 - 3.4. Service and feeder load calculations are increased by 5% or less.
 4. Stand-alone utility fed services that do not exceed 250 volts, 100 amperes, where the project's distribution system does not include:
 - 4.1. Emergency systems other than listed unit equipment per NEC 700.12(F);
 - 4.2. Critical branch circuits or feeders as defined in NEC 517.2, or
 - 4.3. A required fire pump system.
- (ii) Alterations in non-residential occupancies 2,500 square feet and greater.
 - (iii) Installations in occupancies except One and Two Family Dwellings where a service or feeder rated 100 amperes or greater is installed or altered or if more than 100 amperes is added to the service or feeder.
 - (iv) All work on electrical systems operating at/over 600 Volts.
 - (v) All commercial generator installations or alterations.
 - (vi) All work in areas classified as hazardous locations by the NEC.
 - (vii) If 60% or more of luminaires change.
 - (viii) Installations of switches or circuit breakers rated four hundred amperes or over except for one and two family dwellings.
 - (ix) Wind driven generators.
 - (x) Solar photovoltaic systems.
 - (xi) Any proposed installation which cannot be adequately described in the application form.

(3) **Plumbing.** Plans must be submitted for review and approval whenever the scope of the work is too complex for inspection alone as determined by the building official. Construction documents for buildings more than two stories in height shall indicate where penetrations will

be made for plumbing systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

(4) **Mechanical.** Plans must be submitted for review and approval whenever the scope of the work is too complex for inspection alone as determined by the building official. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

15.05.325 Examination of documents.

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

15.05.330 Use of Consultants.

Whenever review of a building permit application requires retention by the city for professional consulting services, the applicant shall reimburse the city the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The city may require the applicant to deposit an amount with the city estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement of such costs.

15.05.335 Expedited Plan Review.

At the time of application, an applicant may request that plans be sent to city approved contract consultants, if the applicant believes that such review may expedite the plan review process. The request must be in writing and acknowledge that the applicant agrees to pay the full consultant fee, which is in addition to the normal plan review and building permit fees collected by the city. The city may require the applicant to deposit with the city an amount estimated by the city to be sufficient to cover anticipated costs for the expedited consultant review and to ensure reimbursement of such costs.

15.05.340 Approval of construction documents.

When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the city. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or a duly authorized representative.

15.05.345 Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed

statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. The city is authorized to require that a performance bond or other security acceptable to the city be posted with the city in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The security shall be rescindable or refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request a refund within 180 days of the permit issuance. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

15.05.350 Design professional in responsible charge.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional to act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional to perform the duties required of the original registered design professional. The building official shall be notified in writing by the owner, if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Chapter 17 IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the IBC).

At least one set of documents prepared by a registered design professional shall bear the seal or stamp of the design professional and shall contain the original signature of the design professional.

Exceptions:

1. Supporting documents such as engineering calculations, geotechnical reports, and specifications need only bear an original stamp and signature on the cover sheet of the supporting documents.
2. With permission of the building official, a copy of the original stamp and original signature may be accepted on the documents.

15.05.355 Deferred submittals.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official.

The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. The city is authorized to charge an additional review fee to evaluate deferred submittals under the provisions of this section.

15.05.360 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor field changes subject to the approval of the field inspector. Where changes to the approved plans alter the size, shape, height, location or orientation on the property, major components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid.

15.05.365 Retention of construction documents.

One set of approved construction documents shall be retained by the city for a period of not less than 180 days from date of final inspection approval or permit expiration or as required by state law.

15.05.370 Temporary structures and uses.

(1) **General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts less than 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

(2) **Electrical.** If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installations shall not be granted for a length of time greater than ninety days, except that a permit for a temporary installation to be used for constructing a building may be issued for the period of construction. Where such temporary lighting is over the street area, the proper authorization for such use of the street must first be obtained.

All such temporary installations shall be made in accordance with the requirements of this code provided that the building official may permit deviations which will not permit hazards to life or property, and further provided that, whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit covering such installation and disconnect, or order the disconnection of, all energy to such equipment.

(3) **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code, as necessary to ensure the public health, safety and welfare.

(4) **Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

15.05.375 Fees.

(1) **Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be issued until the additional fee, if any, has been paid.

(2) **Schedule of permit fees.** For buildings, gradings, demolitions and structures, and for electrical, gas, mechanical, fire protection, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with this code and the fee schedule adopted by resolution of the city council, as now or hereafter amended. In no case shall the building permit fee be less than the city's hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. The city manager is authorized to establish fees for any permit activity not specifically set forth herein.

(3) **Plan Review Fees.** When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review. The building official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review, and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and shall be in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee may be charged. Any balance owing for plan review shall be paid prior to any approval for extension of the permit application.

(4) **Building permit valuations.** The permit applicant shall provide an estimated permit value at time of application. Permit valuation or valuation shall be as defined in BMC 15.05.020. The final determination of value or valuation under any of the provisions of this code shall be made by the building official.

(5) **Work commencing before permit issuance.** Any person who commences any work on a building or structure or grading or on any gas, electrical, mechanical, fire protection or plumbing system before obtaining the necessary permits shall be subject to a stop work order

and a special investigation fee in an amount equal to twice the permit fee. The special investigation fee shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the building official, the owner shall comply with the following:

- (a) As determined necessary by the building official the owner shall hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected and the compliance of the structure with applicable construction codes and regulations along with the building permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action.
 - (b) As determined necessary by the building official the owner shall secure building, electrical, fire, plumbing and/or mechanical permits.
 - (c) As determined necessary by the building official the owner shall remove construction materials in order to validate the systems have been installed correctly.
 - (d) As determined necessary by the building official, the owner shall substantiate and/or show proof of compliance with all applicable local, state and federal laws pertaining to land use.
 - (e) As determined necessary by the building official, a site inspection and a life safety inspection shall be obtained, when temporary occupancy approval or use of the building or structure is needed prior to permit issuance and final inspection.
- (6) **Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- (7) **Refunds.** The building official may authorize refunding not more than 80 percent of the permit fee paid, when no work has been done under a permit issued in accordance with this chapter. The building official may authorize refunding not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review is done. The building official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.05.380 Inspections.

Construction or work for which a permit is required shall be subject to inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any

material as required to allow for inspection. Electrical systems and equipment regulated by the Burien Electrical Code shall not be connected to the energy source until authorized by the building official.

(1) **Preliminary inspections.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites, for which an application has been filed.

(2) **Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

(3) **Required inspections.** The building official, upon notification, shall make the following inspections:

(a) **Temporary erosion and sediment control inspection.** Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks), entrance rocking, and other required elements are in place and prior to commencement of construction and/or clearing the site.

(b) **Footing and foundation inspection.** Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special requirements for wood foundations and for any setbacks required from a property line, building setback line, critical area buffer, and/or the ordinary high water mark on waterfront properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job except that where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

(c) **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(d) **Electrical Underground.** Underground inspection shall be made after trenches or ditches are excavated and bedded and piping and conductors are installed and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks or other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves, or other means.

(e) **Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation

certification required in IBC Section 1612.5 or IRC Section R322 and BMC 15.55 shall be submitted to the building official. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the State of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate.

- (f) **Exterior wall sheathing inspection.** Exterior wall sheathing shall be inspected after all wall framing is complete and strapping and nailing is properly installed but prior to being covered.
- (g) **Roof sheathing inspection.** The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved and confirmation that the height of the structure is in conformance with the requirements of the city of Burien zoning code and/or shoreline master program.
- (h) **IMC/UPC/GAS/ rough- in inspection.** Rough in mechanical, gas piping, plumbing, and electrical shall be inspected when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.
- (i) **Electrical rough-in inspection.** Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete and prior to the installation of wall or ceiling membranes. All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.
- (j) **Frame inspection.** Framing inspections shall be made after the roof deck, wall sheathing, all framing, fire blocking, and bracing are in place, pipes, chimneys and vents to be concealed are complete, the rough electrical, plumbing, fire suppression piping, heating wires, pipes, and ducts are approved, and the building is substantially dried in.
- (k) **Flashing and exterior weather barrier inspection.** Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed but prior to any of the work being covered. Subject to the approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection and documentation requirements of RCW 64.55.020.

Exception: Groups R-3 and One- and Two-Family Dwellings are exempt from this inspection.

- (l) **Exterior Finish and Insulation Systems (EFIS), lath and gypsum board inspection.** EFIS, lath and gypsum board inspections shall be made after backing, lathing or gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Interior gypsum board that is not part of a fire-resistance rated assembly or a shear assembly and is located in Aircraft Noise Reduction Zone 3 (Twenty-five dB).

(m) **Fire and smoke resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

(n) **Energy efficiency inspection.** In addition to the inspections required in WAC 51-11, the following inspections are also required:

(i.) **Envelope**

1. Wall Insulation: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.
2. Glazing: To be made after glazing materials are installed in the building.
3. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.
4. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

(ii.) **Mechanical**

1. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by the construction codes are installed and prior to the concealment of such equipment or controls.
2. Mechanical Pipe and Duct Insulation: To be made after all pipe, fire suppression piping, and duct insulation is in place, but before concealment.

(iii.) **Lighting and Motors**

1. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by the construction codes, but before concealment of the lighting equipment.
2. Motors: To be made after installation of all equipment covered by the construction codes, but before concealment.

(o) **Final inspection.** The final inspection shall be made after all work required by the permit is completed.

(4) **Reinspection.** The building official may require a structure or portions of work to be re-inspected. A reinspection fee shall be permitted to be assessed for each inspection or reinspection, when such portion of work for which inspection is called is not complete; or when required corrections have not been made; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(5) **Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building department.

(6) **Special inspections.** In addition to the inspections noted above, the building official is authorized to require special inspections for any type of work related to the construction codes by an inspection agency approved by the building official at no cost to the city.

The building official may require special inspection of equipment or wiring methods, when the installation requires special training, equipment, expertise, or knowledge. When such special inspection is required, it shall be performed by an independent third party acceptable to the building official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency, indicating that the installation conforms to the appropriate codes and standards, shall be received by the building official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.

Multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection requirements as listed in RCW 64.55.030. Upon completion of an inspection required by RCW 64.55.030, the qualified inspector shall prepare and submit to the appropriate building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated pursuant to RCW 64.55.020. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required by this section has been submitted. The building department is not charged with and has no responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of this chapter.

(7) **Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the applicable requirements as to qualifications and reliability.

(8) **Inspection requests.** It shall be the duty of the holders of the permits or their duly authorized agent to notify the city when work is ready for inspection. It shall be the duty of the permit holders to provide access to and means for inspections of such work that are required by this code.

(9) **Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or his or her agent that the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

15.05.385 Traffic management systems.

(1) The city building official will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

- (a) Traffic illumination systems;
- (b) Traffic signal systems;
- (c) Traffic monitoring systems;
- (d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and
- (e) Signalization system(s) necessary for the operation of a light rail system. A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The city recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets, and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW, provided they conform with the following standards or are listed on the Washington State Department of Transportation (WSDOT) qualified products list:

- (a) WSDOT/APWA Standard Specifications and Plans;
- (b) WSDOT Design Manual;
- (c) International Municipal Signal Association (IMSA);
- (d) National Electrical Manufacturer's Association (NEMA);
- (e) Federal Standards 170/Controller Cabinets;
- (f) Manual for Uniform Road, Bridge, and Municipal Construction;
- (g) Institute of Transportation Engineers (ITE); or
- (h) Manual of Uniform Traffic Control Devices (MUTCD).

(3) Associated induction detection loop or similar circuits will be accepted by the city without inspection.

(4) For the licensing requirements of Chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by Chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the city prior to work being performed for this provision to apply.

(5) Jurisdictions with an established electrical inspection authority and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in 19.28 or 39.34 RCW.

(6) Underground installations.

- (a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

- (b) The city will conduct inspections in open trenching within its jurisdiction upon request.
- (7) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.
 - (a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (8) of this section.
 - (b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.
- (8) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

15.05.390 Certificate of occupancy.

(1) **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city.

Exception: Work exempt from permits per BMC 15.05.245.

(2) **Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy that contains the following information:

- (a) The permit number.
- (b) The address of the structure.
- (c) The name and address of the owner.
- (d) A description of that portion of the structure for which the certificate is issued.
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the building official.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy.
- (i) The type of construction.
- (j) The design occupant load.

(k) Whether an automatic sprinkler system is provided and whether the sprinkler system is required.

(l) Any special stipulations and conditions of the building permit.

Exception: Single-family dwellings and their accessory structures approved under the International Residential Code and group U occupancies associated with Single Family residences approved under the International Building Code may be issued a certificate of occupancy in the form of a signed off permit inspection card.

(3) **Temporary or phased occupancy.** The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official is authorized to require in addition to the completion of life safety building components, the completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The city is authorized to require that a performance bond or other security acceptable to the city be provided with the city in an amount equal to 150% of the value of incomplete work as determined by the design professional. The security shall be rescindable or refundable upon issuance of a final certificate of occupancy for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request a refund within 180 days of the issuance of the certificate of occupancy. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

(4) **Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied by the owner or owner's representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the State of Washington.

15.05.395 Service utilities.

(1) **Connection of service utilities.** No person shall make connections from a utility or source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until authorized by the building official.

(2) **Temporary connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(3) **Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in this code in case of emergency, when necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to

disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

15.05.400 Appeals

- (1) **General.** Appeals of final orders, decisions, or determinations made by the building official relative to the application and interpretation of Title 15 and the adopted codes may be appealed by the permit applicant, property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within 30 days of the issuance of the final order, decision or determination.
- (2) **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this title or the rules adopted thereunder have been incorrectly interpreted, the provisions of this title do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this title.
- (3) **Participation in the appeal.** Only those parties who have appealed the building official's final order, decision or determination may participate in the appeal in either or both of the following ways:
 - (a) By submitting written comments or testimony to the hearing examiner prior to commencement of the hearing; or
 - (b) By appearing in person, or through a representative at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.
- (4) **Decision on the appeal.** The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner's decision on the appeal shall be issued within 90 days from the date the original appeal period closed, unless all parties to an appeal have agreed to an extended time period. Within four business days after it is issued, the hearing examiner's decision shall be mailed to the applicant and to each person who has requested notice of the decision. The hearing examiner's final decision shall be the final decision of the city on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.
- (5) **Judicial review.** Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within twenty-one calendar days of the issuance of the hearing examiner's decision.

15.05.405 Unlawful Acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, property or equipment regulated by this title, or cause the same to be done, in conflict with or in violation of any of the provisions of this title. Signs, tags or seals posted or affixed by the building official shall not be mutilated, destroyed or tampered with or removed without authorization from the building official.

15.05.410 Violations – Penalties

(1) **Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(2) **Enforcement of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the city to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The city may enforce violations of this chapter and the codes referenced herein under Chapter 8.45 BMC.

(3) **Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by this section.

(a) **Civil Violation.** Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed \$5,000 may be imposed.

(b) **Criminal Penalty.** In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than \$1,000 or by both such imprisonment and fine.

(c) **Separate Offense.** Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (a) and (b) of this section.

(4) **Abatement of violation.** In addition to the imposition of the penalties herein described, the building official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a

structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(5) **Remedies Not Exclusive.** Nothing herein shall prohibit nor prevent the city from utilizing any remedy at law or equity for the enforcement of violations herein.

15.05.415 Stop work order.

(1) **Authority.** Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code, the construction codes, or other pertinent laws or ordinances that are violated during the course of work authorized by the permit, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.

(2) **Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and posted in plain site on the premises, structure, fixture, or system as applicable. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) **Effect.**

(a) The building official is authorized to assess a special investigation fee for the issuance of a stop work order, when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with 15.05.375 (5) BMC, "Work commencing before permit issuance."

(b) A stop work order represents a determination that a code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city hearing examiner according to the procedures prescribed by 15.05.400 BMC, "Appeals."

(e) Failure to appeal the stop work order within the applicable time limits shall render the stop work order a final determination that a code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to penalties and costs.

(4) **Remedy –penalties.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in BMC 15.05.410.

- (a) In addition to any other judicial or administrative remedy, the building official or designee may assess penalties for the violation of any stop work order as set forth in 15.05.410 (3) BMC, "Penalties."
- (b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.
- (c) Violation of a stop work order shall be a separate violation from any other code violation. Civil penalties assessed create joint and several personal obligations in all persons responsible for the code violation. The city may collect the penalties assessed by any appropriate legal means.
- (d) In addition to all other remedies, a lien for the value of the penalties imposed may be filed against the real property that is subject to compliance with Title 15 of the Burien Municipal Code.

15.05.420 Unsafe structures and equipment.

- (1) **General.** Structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities or inadequate light and ventilation, which constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Additionally, a structure that is not secured against entry or which has been abandoned for more than one year or for which the applicant or owner fails to request the required inspection(s) prior to permit expiration or occupancy may be deemed unsafe by the building official.
- (2) **Evacuation.** Where conditions exist that are deemed hazardous to life and property, the building official is authorized to abate summarily such hazardous conditions that are in violation of the codes. The building official shall be authorized to order the immediate evacuation of any unsafe occupied building when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the building official.
- (3) **Abatement.** Where a structure has been deemed unsafe, the building official or designee shall first issue a notice of violation as prescribed in BMC 15.05.410. The notice of violation shall include a statement requiring the unsafe structure or equipment to be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 15.40 BMC "Burien Building and Property Maintenance Code."

15.05.425 Copies to be available.

- (1) A copy of each code adopted by reference in this title shall be authenticated and recorded by the city clerk.
- (2) The codes, standards, rules, and regulations adopted by this title are adopted by reference thereto as though fully set forth in this title. Not less than one copy of each such code, standards, rules, and regulations, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions, and exceptions as provided in this title,

shall be filed in the building official's office and be available for use and examination by the public.